UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

In re:	Case No. 04-30580
	Chapter 13

Todd A. Hall

Cherie M. Hall

NOTICE OF HEARING MOTION FOR MODIFICATION OF CHAPTER 13 PLAN

Debtor(s)		

To: Jasmine Z. Keller, Standing Chapter 13 Trustee; the U.S. Trustee; and other parties specified by Local Rule 303 (d) (1).

- Debtor(s) in the above captioned case hereby move the Court for an Order approving the Modified Chapter 13 Plan filed herewith and dated August 18, 2004, and give Notice of Hearing within.
- 2. The Court will hold a hearing on this motion on September 23, 2004 at 10:30 a.m. in the U.S. Bankruptcy Court, Courtroom 228B, 316 N. Robert Street, St. Paul, Minnesota. Any response to this motion must be served and filed within the time specified in Local Rule 1203(a), and if none is filed the Court may grant this motion under Local Rule 1210(a).
- 3. This case was commenced by the debtor(s) on February 4, 2004, and is currently pending before this Court. The Court has confirmed a plan. This motion is brought under 11 U.S.C. 1329 and Local Rule 608 seeking modification of the plan.
- 4. The lists, schedules and plan originally filed by the debtor(s) provided for substantially all of the debtors' disposable income to be applied to payments under the plan.

5. The reason for the modification is as follows: Husband broke his foot while on the job in

June, and was out of work for 4 weeks. He collected some workers' compensation, and

when he returned, he was on light duty. Additionally, the debtor's projected overtime did

not pan out as planned subsequent to filing the Chapter 13, which resulted in the debtors

getting behind in their post-petition mortgage payments, which should be cured by

September. The husband's income does still vary with overtime, but it is very uncertain

as to whether there will be overtime in the foreseeable future, due to his recuperating

foot, and the fact that the winter season is approaching, which can limit outdoor work

opportunities. The debtors' current projected income and expenses are set forth on the

attached Amended Schedules I and J.

6. By reason of the foregoing, debtor(s) hereby requests that the Court enter an Order

approving the modified plan filed herewith.

Dated this 25th day of August, 2004.

/e/ Tim Theisen

Timothy C. Theisen #213469

Attorney for Debtor

229 Jackson Street Suite 105

Anoka, Minnesota 55303

(763) 421-0965

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

In re:	Case No. 04-30580
	Chanter 13

Todd A. Hall

Cherie M. Hall

MEMORANDUM OF LAW TO SUPPORT MODIFICATION OF CHAPTER 13 PLAN

To: Jasmine Z. Keller, Standing Chapter 13 Trustee; the U.S. Trustee; and other parties specified by Local Rule 303 (d) (1).

- Debtor(s) hereby submit the following memorandum in support of the foregoing
 Motion to Modify Chapter 13 Plan.
- 2. Title 11 U.S.C. sec. 1329, 1323 and 1325; to wit, provides such plan may be confirmed, so long as the modified plan would have been confirmable had it been filed as the original plan. Section 1329 also provides that a modified plan may reduce payments to a class of creditors, as does the modified plan filed herewith.
- 3. Debtor(s) represent that the payment specified in the modified plan satisfy all the foregoing requirements, and that such modification is necessary because husband broke his foot while on the job in June, and was out of work for 4 weeks. He collected some workers' compensation, and when he returned, he was on light duty. Additionally, the debtor's projected overtime did not pan out as planned subsequent to filing the Chapter 13, which resulted in the debtors getting behind in their postpetition mortgage payments, which should be cured by September. The husband's income does still vary with overtime, but it is very uncertain as to whether there will be overtime in the foreseeable future, due to his recuperating foot, and the fact that

the winter season is approaching, which can limit outdoor work opportunities. The debtors' current projected income and expenses are set forth on the attached Amended Schedules I and J.

4. The lists, schedules and plan originally filed by the debtor(s) provided for substantially all of the debtor's disposable income to be applied to payments under the plan.

Dated this 25th day of August, 2004.

/e/ Tim Theisen

Timothy C. Theisen #213469 Attorney for Debtors 229 Jackson Street, Suite 105 Anoka, Minnesota 55303 (763) 421-0965

United States Bankruptcy Court District of Minnesota

IN RE:	Case No. 04-30580
Todd Hall & Cheri Hall	Chapter 13
De	otor(s)

MODIFIED CHAPTER 13 PLAN

Dated: **August 18, 2004**

- 1. PAYMENTS BY DEBTOR
 - a. As of the date of this plan, the debtor has paid the trustee \$ 1500.00.
 - b. After the date of this plan, the debtor will pay the trustee \$ 350.00 per month for 46 months, beginning within 30 days after the filing of this plan for a total of \$ 16,100.00.
 - c. The debtor will also pay the trustee: n/a
 - d. The debtor will pay the trustee a total of $\frac{16,100.00}{16,100.00}$ [line 1(a) + line 1(b) + line 1(c)].
- 2. PAYMENTS BY TRUSTEE The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 6% for a total of \$ 966.00 [line 1(d) x .06] or such lesser percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

Trustee has already been paid \$84.90

3. PRIORITY CLAIMS - The trustee shall pay in full all claims entitled to priority under ' 507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

	Estimated	Monthly	Beginning	Number of	TOTAL
Creditor	Claim	Payment	in mo.#	Payments	PAYMENTS
GREGORY WALD	225.00	18.75	1	12	225.00
Timothy Casey Theisen, P.A.	300.00	25.00	1	12	300.00
TOTAL				<u></u>	525.00

Gregory Wald has already been paid \$1250

4. LONG-TERM SECURED CLAIMS NOT IN DEFAULT - The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

None

5. HOME MORTGAGES IN DEFAULT [' 1322(b)(5)] - The trustee will cure defaults (with no interest) on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

	Amount of	Monthly Begin	ning Number of	TOTAL
Creditor	Default	Payment in m	o. # Payments	PAYMENTS
WELLS FARGO HOME MORTGAGE	4,716.22	235.82 1	20	4,716.22
TOTAL				4,716.22

Wells Fargo has already been paid \$165.10

6. OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [' 1322 (b)(5)] - The trustee will cure defaults (plus interest at the rate of 8 per cent per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

Creditor	Amount of	Monthly Beginning	TOTAL
None	Default	Payment in mo. #	PAYMENTS
TOTAL			 0.00

7. OTHER SECURED CLAIMS [' 1325(a)(5)] - The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using an interest rate of 6 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM

FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. ' 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. ' 506(a).

a	Claim	Secured	Monthly Beginnin	, -	TOTAL
Creditor	Amount	Claim	Payment in mo. #	^t Payments	PAYMENTS
WFS FINANCIAL INC	17,124.83	8,350.00	210.85 1	46	9,699.17
TOTAL				<u> </u>	9,699.17

- **8. SEPARATE CLASS OF UNSECURED CREDITORS -** In addition to the class of unsecured creditors specified in & 9, there shall be a separate class of nonpriority unsecured creditors described as follows:
 - a. The debtor estimates that the total claims in this class are \$ 0.00.
 - b. The trustee will pay this class \$ 0.00.
- **9. TIMELY FILED UNSECURED CREDITORS** The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under & 2, 3, 5, 6, 7 and 8 their pro rata share of approximately \$ 193.61 [line 1(d) minus paragraphs 2, 3, 5, 6, 7 and 8].
 - a. The debtor estimates that the total unsecured claims held by creditors listed in & 7 are \$ 15,414.00.
 - b. The debtor estimates that the debtor's total unsecured claims (excluding those in & 7 and & 8) are **0.00**.
 - c. Total estimated unsecured claims are $\frac{15,414.00}{1}$ [line 9(a) + 1 line 9(b)].
- **10. TARDILY-FILED UNSECURED CREDITORS** All money paid by the debtor to the trustee under & 1, but not distributed by the trustee under & 2, 3, 5, 6, 7, 8 or 9 shall be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.
- 11. OTHER PROVISIONS 1. Trustee's fee may be as high as 10%, if necessary. Debtor will pay any increase in trustee's fee. Trustee may distribute excess funds at trustee's discretion.
- 2. Payments referenced at paragraph 7 above are estimates. Actual payments to WFS are as follows: \$49.43 months 1-12; \$93.18 months 13-20; \$329 months 21-45; \$135.39 month 46. Upon payment of secured portion of debt to WFS Financial at paragraph 7 above, said creditor shall release its lien in and to the 1997 Ford Expedition.

12. SUMMARY OF PAYMENTS C

Trustee's Fee [Paragraph 2)	966.00
Priority Claims [Paragraph 3]	525.00
Home Mortgage Defaults [Paragraph 5]	4,716.22
Long-Term Debt Defaults [Paragraph 6]	0.00
Other Secured Claims [Paragraph 7]	9,699.17
Separate Class [Paragraph 8]	0.00
Unsecured Creditors [Paragraph 9]	<u>193.61</u>
TOTAL [must equal Paragraph 1, Line (d)]	16,100.00

 ${\it Insert Name, Address, Telephone \ and \ License \ Number \ of \ Debtor's \ Attorney:}$

Timothy Casey Theisen 213469 Timothy Casey Theisen, P.A. 229 Jackson St Ste 105 Anoka, MN 55303

Signed: /s/ Todd Hall		
_	DEBTOR	
Signed: /s/ Cheri Hall		
	DEBTOR (if joint case)	

Debtor(s)

AMENDED SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status		DEPENDENTS OF DEBTOR AND SPOUSE					
Married		RELATIONSHIP Son Daughter Son				AGE 2 4 6	
EMPLOYMENT:		DEBTOR		_	SPOUSE		
Occupation Name of Employer How long employed Address of Employer	Painter Industrial C 1 Year	Stylist					
Income: (Estimate	of average mor	nthly income)			DEBTOR		SPOUSE
Current Monthly gr Estimated monthly		ary, and commissions (pro rata if not paid me	onthly)	\$ \$	4,593.00	\$ \$	645.00
SUBTOTAL				\$	4,593.00	\$	645.00
LESS PAYROLI a. Payroll taxes b. Insurance c. Union dues d. Other (speci	and Social Se	curity		\$ \$ \$	950.00 543.62	\$ \$	142.00
SUBTOTAL OF I	PAYROLL DI	EDUCTIONS		\$	1,493.62		142.00
TOTAL NET MO				\$	3,099.38		503.00
Income from real p Interest and dividen	roperty nds nce or support its listed above			\$ \$ \$ \$		\$ \$ \$ \$	
Pension or retirement income Other monthly income (Specify)				\$		\$ \$ \$	
				\$ \$		\$ \$	
TOTAL MONTH	LY INCOME			<u>*</u>	3.099.38	<u>\$</u>	503.00

TOTAL COMBINED MONTHLY INCOME \$

3,602.38 (Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

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Debtor(s)

AMENDED SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. L Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse." Rent or home mortgage payment (include lot rented for mobile home) \$ 1.431.81 No 🗸 Are real estate taxes included? Yes No 🗸 Is property insurance included? Yes Utilities: Electricity and heating fuel \$ 175.00 Water and sewer \$ 60.00 Telephone \$ 25.00 Other Cable & Internet \$ 54.00 \$ \$ Home maintenance (repairs and upkeep) \$ Food \$ 525.00 Clothing \$ 30.00 Laundry and dry cleaning \$ Medical and dental expenses \$ 50.00 Transportation (not including car payments) \$ 400.00 Recreation, clubs and entertainment, newspapers, magazines, etc. \$ 100.00 Charitable contributions \$ Insurance (not deducted from wages or included in home mortgage payments) Homeowner's or renter's \$ Life \$ Health \$ Auto \$ 190.00 Other \$ \$ \$ Taxes (not deducted from wages or included in home mortgage payments) (Specify) \$ \$ \$ Installment payments (in chapter 12 and 13 cases, do not list payments to be included in the plan) Auto \$ Other \$ \$ Alimony, maintenance, and support paid to others \$ Payments for support of additional dependents not living at your home Regular expenses from operation of business, profession, or farm (attach detailed statement) \$ Other Housekeeping Supplies \$ 50.00 Personal Grooming/Haircuts Etc \$ 35.00 School Expenses \$ 75.00 Pet Supplies & Grooming/Vet \$ 50.00 \$ TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules) \$ 3,250.81 (FOR CHAPTER 12 AND 13 DEBTORS ONLY) Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval. A. Total projected monthly income 3.602.38 B. Total projected monthly expenses \$ 3.250.81 C. Excess income (A minus B) \$ 351.57 D. Total amount to be paid into plan each Monthly \$ 351.57 (interval)

UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA

IN RE:	Todd A. Hall Cheric M. Hall Debtor(s)) SIGNATURE) DECLARATION Case No: 04-30580
CHAP SCHE X AME X MOD X OTHE	NDMENT TO PETITION, SCH IFIED CHAPTER 13 FLAN ER (Please describe: Motion to	ACCOMPANYING VERIFIED CONVERSION HEDULES & STATEMENTS (Schedules I & J) Modify Plan)
	fodd and Cherie Hall, the under the following declarations un	ersigned debtor(s) or authorized representative of the deer penalty of perjury:
pe is is all all all all all all all all all al	true and correct; be information provided in the ectronic commencement of the advidual debtors only] If no formation Pages" submitted as eferenced case, it is because I de consent to my attorney electronic etition, statements and schedule bove, together with a scanned in Debtor Information Pages," if a	my attorney and provided in the electronically filed mendments, and/or chapter 13 plan, as indicated above. "Debtor Information Pages" submitted as a part of the above-referenced case is true and correct; a social Security Number is included in the "Debtor a part of the electronic commencement of the above-round nature a Social Security Number; cally filing with the United States Bankruptcy Court my es, amendments, and/or chapter 13 plan, as indicated mage of this Signature Declaration and the completed pplicable; and btors only I have been authorized to file this petition
Date: 9/// X / N// Todd/A. Hall	1 A. flall	x Mine Mill Cherie M. Hall
Signature of I	Debtor or Authorized Individua	Signature of Joint Debtor
X ODO Todd A. Hall	A. HALL	x Chail Hall

Cherie M. Hall

Printed Name of Debtor or Authorized Individual Printed Name of Joint Debtor

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

In re:	Case No. 04-30580 Chapter 13	
Todd A. Hall Cherie M. Hall,	UNSWORN CERTIFICATE OF	
Debtor(s)	SERVICE	
I mailed copies of the foregoing I 13 Plan, Memorandum of Law, A	nder penalty of perjury that on September 2, 2004, Notice of Hearing, Motion for Modification of Chapter mended Schedules I and J, and Signature Declaration I to each entity named below at the address stated below	V
US Trustee 1015 United States Court 300 South 4 th Street Minneapolis, MN 55401	Jasmine Z Keller 310 Plymouth Building 12 South 6 th Street Minneapolis, MN 55402	
ALL CREDITORS (See attached Matrix)		
Executed on: September 2, 2004	Signed: /e/ Melinda Rost . Melinda Rost 229 Jackson Street, Suite 105 Anoka, MN 55303	

ASPEN MEDICAL GROUP NW 9460 PO BOX 1450 MINNEAPOLIS, MN 55485-9460

B-LINE LLC WEINSTEIN TREIGER & RILEY 2101 FOURTH AVENUE SUITE 900 SEATTLE, WA 98121

CAPITAL ONE PO BOX 85167 RICHMOND, VA 23285

FAIRVIEW HEALTH SERVICES
PO BOX 147
MINNEAPOLIS, MN 55440-0147

GREGORY WALD 3601 MINNESOTA DRIVE SUITE 800 EDINA, MN 55435

HOUSEHOLD BANK
BECKET AND LEE LLP
PO BOX 35480
NEWARK, NJ 07193-5480

METRO OB & GYN
AT PHOENIX MANAGEMENT SYSTEMS
PO BOX 3972
MINNEAPOLIS, MN 55403

RELIANCE RECOVERIES 6160 SUMMIT DRIVE NORTH SUITE 420 MINNEAPOLIS, MN 55430 THOMAS REITER
6 W 5TH ST
SEVENTH FLOOR
ST PAUL, MN 55102

WELLS FARGO HOME MORTGAGE 3476 STATE VIEW BLVD FORT MILL, SC 29715

WFS FINANCIAL INC PO BOX 19657 IRVINE, CA 92623-9657